

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Green Street

Thursday, December 16, 2010, 7:00 PM

The Chair called the meeting to order at 7:02 pm.

1. Roll Call

Present: Chair Scott Gibbs, Alex Biliouris, Gene Simone, Dean Naylor, Dr. Lucien Benoit, Art Bassett. Absent: Joe Cardello. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: November 18, 2010

Mr. Biliouris made a motion to approve the minutes of November 18, 2010 as corrected. Mr. Naylor seconded the motion, with all in favor.

3. Annual Organization: Election of officers and consideration of rules

Mr. Ericson asked the Board for nominations for Chair of the Planning Board. Mr. Naylor nominated Scott Gibbs. Dr. Benoit seconded the nomination. No other nominations were made. All members voted YES. Mr. Gibbs was elected Chair of the Board.

The Chair asked for nominations for Vice Chair. Dr. Benoit nominated

Alex Biliouris. Mr. Biliouris seconded the nomination. The Board voted as follows: NO: Mr. Simone, Mr. Naylor, Mr. Gibbs. YES: Dr. Benoit, Mr. Biliouris. The Chair nominated Dean Naylor for Vice Chair. Mr. Simone seconded the nomination. The Board voted as follows: NO: Dr. Benoit, Mr. Biliouris. YES: Mr. Gibbs, Mr. Naylor, Mr. Simone. With a vote of 3-2, Mr. Naylor was elected Vice Chair of the Board.

The Chair asked for nominations for Secretary of the Board. Mr. Naylor nominated Gene Simone. Dr. Benoit seconded the nomination. No other nominations were made. The Board voted unanimously to elect Mr. Simone as Secretary of the Board.

4. Pound Hill Estates: Major Subdivision Final Plan

Owner/Applicant: Seminole Development

Location: Pound Hill Rd, Assessor's Plat 10, Lot 59, Zoning: RA-65

Mr. Ericson informed the Board that since no one ever recorded or wrote a Preliminary Plan decision, he had to write one from records. The decision was posted for 20 days without notice of appeal. Despite extended discussion of issues at the Preliminary Plan stage, no conditions were added to the Preliminary Plan approval. At Master Plan stage, the Board should give direction, but at Preliminary Plan stage, the Board should make these directions conditions of approval. However, that was not done. Because there were no conditions listed, the Final Plan is basically a formality, with the

applicant only having to bring in plans marked Final for approval.

Joe Casali, PE was present for the applicant. The principals, Paul Vanasse and John Somyk were also present. Mr. Casali stated that the applicants would like to complete the required roadway and drainage improvements. Mr. Naylor asked Mr. Casali to inform the Board of any contentious issues raised by the Board at Preliminary Plan stage. Mr. Casali stated that, according to the minutes of the last hearing, the sight distance was an issue. He said that this has been addressed, with the sight distances listed on the current plans. The sight distance is adequate for both the posted speed of 25 mph and the observed speed of 35 mph.

Dr. Benoit stated that the Vision website and survey plans list the owner as ZYX, but the agenda lists the owner as Seminole Development. He asked if they are asking to do improvements on land they don't own. Mr. Ericson stated that Vision is current only to February 2010 and the plans correctly list the ownership at the time of the survey. Mr. Vanasse stated for the record that Seminole Development is the true owner.

Dr. Benoit asked if any blasting was being conducted on the site, as a neighbor had called about the noise. Mr. Vanasse stated that a building had been demolished, but not by blasting. No blasting is taking place.

Mr. Naylor asked about the sidewalks and whether they are ADA compliant. Mr. Casali stated that they are constructed to state standards and do meet ADA specifications. He also stated that there are granite curbs.

Dr. Benoit stated that when he was previously on the Board, he asked the applicant's attorney if they would be willing to cut down on the number of street lights in the development. Mr. Casali stated that the landscape plan shows that there are 2 lights included in the photometric plan. Dr. Benoit proposed that each driveway have its own light, which will alleviate the Town from the responsibility of having to pay for street lights in perpetuity. He agreed that for this development, the proposed 2 streetlights were acceptable.

Mr. Naylor asked Mr. Casali to clarify that what he is requesting is permission to complete the road before the Final Plan is approved. Mr. Casali said that this is what he is requesting, and he would like to do the work without posting a bond. He stated that the work would be done by late spring, weather permitting. The Chair stated that until the improvements are completed, the Final Plan will not be approved, and therefore no lots can be sold. Mr. Casali stated that there is one current road front lot and he will ask the Building Official if one house can be built on the lot with frontage.

Mr. Biliouris asked if any testing had to be conducted on the water quality for the wells. Mr. Ericson stated that the Department of Health

will need to give approval. Mr. Biliouris wanted to be sure that wells have drinkable water before construction begins. Dr. Benoit stated that they can't sell any houses without wells. Mr. Nadeau clarified that they can't sell any houses at all until Final approval is granted. The Chair stated that all improvements should be made before Final approval. Mr. Ericson stated that they would have to provide surety for a maintenance year, which would be approximately \$20,000. Mr. Casali asked if they would be able to build if the bond is posted. Mr. Nadeau stated that they cannot build before Final approval.

Dr. Benoit made a motion that the Planning Board agrees to grant approval for the Pound Hill Estates Major Subdivision Final Plan, Plat 10, Lot 59, upon completion and inspection approval of all subdivision improvements in the Final Plan updated to November 18, 2010. Mr. Simone seconded the motion, with all in favor. Motion passed, with a vote of 5-0.

5. Dowling Village:

- a) Repeated failure to follow Final Plan, Volume II, Sheet 4 re: compliance with Manual of Uniform Traffic Control Devices, and**
- b) Discussion of when and how to open intersection at southern entrance**

Leonard Bradley from DiPrete Engineering was present to represent Brian Bucci. Mr. Ericson stated that the issues to be addressed stem from the inspector from Pare Engineering and Joe Cardello's

observations of the placement of the Jersey barriers with the blunt end toward the traffic. Despite claiming coordination with and approval by RIDOT, the contractor has not followed RIDOT requirements for plan submission and written approval. Mr. Cardello and Mr. Ericson have discussed that for construction workers, deliveries, hiring and associate training, it might help to open the intersection with a loop-detector triggered traffic light. It will always be green unless someone triggers it. They will need RIDOT to approve it in two stages, with the signals becoming fully functional when the business opens.

Mr. Bradley apologized for the contractor, Mark DePasquale, who thought he was doing the right thing. In wanting the intersection built as quickly as possible, he was negligent on getting an approved traffic control plan from RIDOT. Mr. Bucci hired Bryant Associates to design a traffic control plan, but the contractor deviated from this plan at times. He was told to follow the plan and that if he did not, he would be putting people at risk. A meeting was held with the contractor, Pare Engineering, RIDOT, and Mr. Bradley to make sure that all parties are clear on what is required. Blunt end protectors were put back in. Mr. Bradley also stated that he would like to get the light activated and is trying to meet with RIDOT to get this process going. At this point, they are in compliance with the plan. The Chair asked if the current barrier plan has been approved in writing. Mr. Bradley said he understands that it is, but he hasn't seen it. He will get a RIDOT approval that can be placed in the file.

The Chair asked if the Planning Board needs to approve the loop detector lights. Mr. Ericson stated that RIDOT can approve the light. Mr. Bradley stated that they are already installed, but they need to be programmed and activated. They can work it out with RIDOT. When Wal-Mart opens, the light will go to regular operation; then the traffic barrels and Jersey barriers will be removed.

Mr. Simone asked if currently only construction vehicles are allowed. Mr. Bradley stated that this is so, and that there is security on site to stop others from entering.

The Chair asked that any updates to this situation be placed on upcoming agendas for discussion.

6. Discussion of proposed amendments to Land Development and Subdivision Regulations

The Chair asked what the procedure is for amending the Land Development and Subdivision regulations, specifically what actions need to be taken by the Board and if Town Council approval is needed. Mr. Ericson replied that it is handled solely by the Planning Board. He would like to hold a public hearing at the second meeting in February, following discussion by the Board in January and February. The Chair suggested holding a workshop session in order to effectively address proposed amendments. Mr. Biliouris suggested

that all proposed amendments be packaged together for clarity and agreed that a workshop session to be held after sufficient time to review the proposed changes would be helpful. Mr. Ericson stated that a workshop session could be held at the end of a regularly scheduled meeting (no need for an additional date for a workshop). Mr. Naylor agreed with Mr. Biliouris that he would like all proposed amendments packaged together, along with updates on what has been discussed. He would like to be sure that Dr. Benoit also has sufficient time to review all proposed amendments and previous discussions.

Mr. Ericson briefly summarized some previous discussions by the Board. He clarified that for the Technical Review Committee, the Board expressed that it would not like a member of the public or a member of the Planning Board to be a part of the committee. They do want to include a list of positions, rather than specific people (i.e., Town Engineer—currently North Smithfield does not have an engineer, but if at some time in the future there is such a position, that person would be part of the Technical Review Committee). The Chair stated that the establishment of this committee is long overdue and will be an asset to the planning process. He added that the Zoning Ordinance should include a parallel reference to the TRC as well.

Other proposed amendments discussed were 4-1 (F) Site Context map and 5-2 (F) Lot Design Standards, which have been discussed at

previous meetings.

The Board also held a discussion on the requirements for the layout of plan submissions. Mr. Ericson has proposed a standard layout of plans (including the addition of a zoning box) that will cut down on review time. He also stated that reviewing PDF copies before the applicant submits full plans allows the process to move along faster and more accurately. Mr. Ericson also stated that submitting a CAD drawing tied in to the nearest available monument will provide greater positional accuracy for the plat maps. The Chair agreed that this would be helpful and better for both the Town and the property owners. Dr. Benoit suggesting that somewhere on the plan the date, book, and page of the latest deed showing the true owner should be listed.

7. Planning Update: Review of current events

Mr. Ericson informed the Board that Coastal Recycling LLC at the ATP site (formerly Tupperware) has asked for continuation of a RIPDES permit for wastewater treatment on the site. DEM is concerned with granting an extension and will at least require a full-time operator. If the permit is not extended, a new septic system will need to be installed before a Certificate of Occupancy can be granted.

The Chair stated that he has been reading about the Dowling Village

wind turbine and how it may not be built. He said that in the newspaper it was stated that the land will be conservation land. He said that this was not the Planning Board's intention, and he would like this issue to be placed on the agenda for a future meeting to make the Town Council fully aware of the Board's position.

He also stated that he would like the Board to start a conversation with the Zoning Board to look at Zoning and Subdivision regulations to compress the process. He said there are better ways for the regulatory processes to run and that the Town does not have to do things the way they have always been done. He would like to take the opportunity to be aggressive and innovative.

The Chair welcomed Dr. Benoit to the Planning Board.

Mr. Biliouris made a motion to adjourn at 8:32 pm. Mr. Simone seconded the motion, with all in favor.